



Practitioner's Docket No. 61282.00005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Kwanyoung LEE, et al.
 Application No.: 0 10 / 624,251 Group No. 1711
 Filed: July 22, 2003 Examiner: Unknown
 For: "Ternary Block Copolymer And
 Manufacturing Method Of The Same"
☐ Patent No.*: Issued:

RECEIVED

JUN 15 2004

OFFICE OF PETITIONS

*NOTE: Insert name of inventor(s) and title also for patent where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY
(37 C.F.R. § 1.28(c))

NOTE: 37 C.F.R. § 1.28(c): "(c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."

NOTE: 37 C.F.R. § 1.28(c)(1): "Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b)."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Adjustment date: 06/18/2004 CKHLOK
 07/24/2003 SSITHIB1 00000068 050150 10624251
 01 FC:2001 375.00 CR

Signature

Aaron Winingar, Reg. No. 45,229

(type or print name of person certifying)

Adjustment date: 06/18/2004 CKHLOK
 06/15/2004 KKEHP1 00000001 050150 10624251
 01 FC:1461 515.00 CR

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

06/18/2004 CKHLOK 00000019 050150 10624251

01 FC:1001 770.00 DA
 02 FC:1203 290.00 DA

06/15/2004 KKEHP1 00000001 050150 10624251
 (Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 1 of 4)

01 FC:1461

515.00 DA

Erroneous Filing of Small Entity Statement

1. On July 22, 2003, a small entity assertion was erroneously filed in this
☒ application
☐ patent
2. This assertion of small entity status in this application and the payment of fee(s) as a small entity was/were made in good faith.
3. It has now been discovered that such status as a small entity was established in error.

Itemization of the Fee(s) Erroneously Paid as Small Entity

NOTE: 37 C.F.R. § 1.28(c)(2): "Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

NOTE: 37 C.F.R. § 1.28(c)(3): "Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office."

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 2 of 4)

4.

(complete the following applicable item(s))

| <u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u> | <u>FEE ACTUALLY PAID AS A SMALL ENTITY</u> | <u>DEFICIENCY OWED*</u> |
|---|--|-----------------------------|
| <input checked="" type="checkbox"/> Filing fee paid on <u>July 22, 2003</u> | \$ <u>375.00</u> | \$ <u>375.00</u> |
| <input type="checkbox"/> Fee for excess claims (over 20) paid on _____ | \$ _____ | \$ _____ |
| <input checked="" type="checkbox"/> Fee for multiple claims paid on <u>July 22, 2003</u> | \$ <u>140.00</u> | \$ <u>140.00</u> |
| <input type="checkbox"/> Extension of time fee paid on _____ | \$ _____ | \$ _____ |
| <input type="checkbox"/> The issue fee paid on _____ | \$ _____ | \$ _____ |
| <input type="checkbox"/> _____ maintenance fee (First, second or third) paid on _____ | \$ _____ | \$ _____ |
| <input type="checkbox"/> Other: | | |

WARNING: "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . . ." 37 C.F.R. § 1.28(c)(2)(i).

NOTE: 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

Total deficiency owed \$ 515.00

NOTE: 37 C.F.R. 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status."

Payment of Deficiency

5. The total deficiency owed is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 515.00
- ☒ to Deposit Account No. 05-0150
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 45,229

Tel. No.: (650) 856-6500

Customer No.: 30256


SIGNATURE OF PRACTITIONER

Aaron Winger

(type or print name of practitioner)

Squire, Sanders & Dempsey, L.L.P.
P.O. Address

600 Hansen Way, Palo Alto, CA 94304-1043

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 4 of 4)



SPW

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|--|----|------------------------|---------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/624,251 |
| | | Filing Date | July 22, 2003 |
| | | First Named Inventor | Kwanyoung LEE |
| | | Art Unit | 1711 |
| | | Examiner Name | Unknown |
| Total Number of Pages in This Submission | 11 | Attorney Docket Number | 61282.00005 |

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| ENCLOSURES (check all that apply) | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notification of Error in Payment of Fee(s) As A Small Entity (37 C.F.R. § 1.28(c)) (in duplicate) |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Aaron Winger, Reg. No. 45,229 Squire, Sanders & Dempsey, L.L.P. 600 Hansen Way Palo Alto, CA 94304 |
| Signature | |
| Date | June 2, 2004 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|--------------|------|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Aaron Winger | | |
| Signature | | Date | June 2, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 515

Complete if Known

Application Number 10/624,251
Filing Date July 22, 2003
First Named Inventor Kwanyoung LEE
Examiner Name Unknown
Art Unit 1711
Attorney Docket No. 61282.00005

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 05-0150

Deposit Account Name Squire, Sanders & Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Fee Code | Fee (\$) | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|----------|----------|--------------|----------|----------|------------------------|----------|
| | 1001 | 770 | | 2001 | 385 | Utility filing fee | |
| | 1002 | 340 | | 2002 | 170 | Design filing fee | |
| | 1003 | 530 | | 2003 | 265 | Plant filing fee | |
| | 1004 | 770 | | 2004 | 385 | Reissue filing fee | |
| | 1005 | 160 | | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims ** = X =
Independent Claims ** = X =
Multiple Dependent X =

| Large Entity | Fee Code | Fee (\$) | Small Entity | Fee Code | Fee (\$) | Fee Description |
|--------------|----------|----------|--------------|----------|----------|--|
| | 1202 | 18 | | 2202 | 9 | Claims in excess of 20 |
| | 1201 | 86 | | 2201 | 43 | Independent claims in excess of 3 |
| | 1203 | 290 | | 2203 | 145 | Multiple dependent claim, if not paid |
| | 1204 | 86 | | 2204 | 43 | ** Reissue independent claims over original patent |
| | 1205 | 18 | | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Fee Code | Fee (\$) | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|----------|----------|--------------|----------|----------|--|----------|
| | 1051 | 130 | | 2051 | 65 | Surcharge - late filing fee or oath | |
| | 1052 | 50 | | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| | 1053 | 130 | | 1053 | 130 | Non-English specification | |
| | 1812 | 2,520 | | 1812 | 2,520 | For filing a request for reexamination | |
| | 1804 | 920* | | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| | 1805 | 1,840* | | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| | 1251 | 110 | | 2251 | 55 | Extension for reply within first month | |
| | 1252 | 420 | | 2252 | 210 | Extension for reply within second month | |
| | 1253 | 950 | | 2253 | 475 | Extension for reply within third month | |
| | 1254 | 1,480 | | 2254 | 740 | Extension for reply within fourth month | |
| | 1255 | 2,010 | | 2255 | 1,005 | Extension for reply within fifth month | |
| | 1401 | 330 | | 2401 | 165 | Notice of Appeal | |
| | 1402 | 330 | | 2402 | 165 | Filing a brief in support of an appeal | |
| | 1403 | 290 | | 2403 | 145 | Request for oral hearing | |
| | 1451 | 1,510 | | 1451 | 1,510 | Petition to institute a public use proceeding | |
| | 1452 | 110 | | 2452 | 55 | Petition to revive - unavoidable | |
| | 1453 | 1,330 | | 2453 | 665 | Petition to revive - unintentional | |
| | 1501 | 1,330 | | 2501 | 665 | Utility issue fee (or reissue) | |
| | 1502 | 480 | | 2502 | 240 | Design issue fee | |
| | 1503 | 640 | | 2503 | 320 | Plant issue fee | |
| | 1460 | 130 | | 1460 | 130 | Petitions to the Commissioner | |
| | 1807 | 50 | | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| | 1806 | 180 | | 1806 | 180 | Submission of Information Disclosure Stmt | |
| | 8021 | 40 | | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| | 1809 | 770 | | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | 1810 | 770 | | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | 1801 | 770 | | 2801 | 385 | Request for Continued Examination (RCE) | |
| | 1802 | 900 | | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) Notification of Error in Payment of Fee(s) As A Small Entity (37 C.F.R. § 1.28(c)) (in duplicate)

515

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 515)

SUBMITTED BY

Name (Print/Type) Aaron Winger

Registration No. (Attorney/Agent)

45,229

Telephone

(650) 856-6500

Signature

Date

June 2, 2004

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